

REMARKS

In the non-final Office Action, the Examiner rejects claims 1-28 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter; rejects claims 1-3, 7, 14-19, 26-31, 35, and 42-43 under 35 U.S.C. § 102(b) as allegedly being anticipated by non-patent literature document by Jing et al. entitled "Information Retrieval Based on Context Distance Learning and Morphology," SIGIR Conference on Research and Development in Information, 1999 (hereinafter "JING"); rejects claims 5 and 33 under 35 U.S.C. § 103 (a) as allegedly unpatentable over JING; and objects to claims 4, 6, 8-13, 20-25, 32, 34, and 36-41 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the features of the base claim and any intervening claims. Applicants respectfully traverse these rejections.

By way of this Amendment, Applicants amend independent claim 1 to substantially incorporate the features of claim 13, amend independent claim 16 to substantially incorporate the features of claim 20, amend claim 28 to substantially incorporate features similar to the features of claim 13, amend claim 29 to substantially incorporate the features of claim 36, amend claims 1-4, 6-12, 14-19, 21-35, and 37-43 to improve form, cancel claims 5, 13, 20, and 36 without prejudice or disclaimer, and add new dependent claims 44 and 45. No new matter has been added by the present amendment. Claims 1-4, 6-12, 14-19, 21-35, and 37-45 are pending.

Allowable Subject Matter

At the outset, Applicants note with appreciation the indication of allowable subject matter in claims 4, 6, 8-13, 20-25, 32, 34, and 36-41.

Rejection under 35 U.S.C. § 101

Pending claims 1-4, 6-12, 14-19, and 21-28 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicants respectfully traverse this rejection.

The Examiner rejects claims 1-15 under 35 U.S.C. § 101 as not falling within one of the four statutory categories of invention. The Examiner alleges that the instant claims neither transform the underlying subject matter nor positively recite a structure associated with another statutory category (Office Action, p. 2). Without acquiescing in the Examiner's rejection of claims 1-15, Applicants have amended claim 1 to address the Examiner's concerns and in order to expedite prosecution. Accordingly, Applicants respectfully request that the rejection of claim 1-15 under 35 U.S.C. § 101 be reconsidered and withdrawn.

With respect to claims 16-28, the Examiner alleges that the body of the claims appears to be steps of a computer program and as such non-statutory (Office Action, p. 2). Without acquiescing in the Examiner's rejection of claims 16-28, Applicants have amended claim 16 to address the Examiner's concerns and in order to expedite prosecution. Accordingly, Applicants respectfully request that the rejection of claim 16-28 under 35 U.S.C. § 101 be reconsidered and withdrawn.

The Examiner also alleges that claims 1-28 are drawn to a mathematical algorithm, and thus non-statutory (Office Action, pp. 3-4). Without acquiescing in the Examiner's rejection of claims 1-28, Applicants have amended claims 1, 16, and 28 to address the Examiner's concerns and in order to expedite prosecution. Accordingly,

Applicants respectfully request that the rejection of claim 1-28 under 35 U.S.C. § 101 be reconsidered and withdrawn.

Rejection under 35 U.S.C. § 102(b) based on JING

Claims 1-3, 7, 14-19, 26-31, 35, and 42-43 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by JING. Applicants respectfully traverse this rejection.

Applicants have amended independent claim 1 to substantially incorporate the features recited in claim 13 (now canceled). The Examiner indicated that claim 13 would be allowable if rewritten in independent form including all the features of the base claim (Office Action, p. 8). Therefore, Applicants submit that claim 1 is in condition for immediate allowance. Accordingly, Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. § 102(b) based on JING be reconsidered and withdrawn.

Claims 2-3, 7, and 14-15 depend from claim 1. Therefore, Applicants submit that these claims are in condition for immediate allowance for at least the reasons set forth above with respect to claim 1. Accordingly, Applicants respectfully request that the rejection of claims 2-3, 7, and 14-15 under 35 U.S.C. § 102(b) based on JING be reconsidered and withdrawn.

Applicants have amended independent claim 16 to substantially incorporate the features recited in claim 20 (now canceled). The Examiner indicated that claim 20 would be allowable if rewritten in independent form including all the features of the base claim (Office Action, p. 8). Therefore, Applicants submit that claim 16 is in condition for

immediate allowance. Accordingly, Applicants respectfully request that the rejection of claim 16 under 35 U.S.C. § 102(b) based on JING be reconsidered and withdrawn.

Claims 17-19 and 26-27 depend from claim 16. Therefore, Applicants submit that these claims are in condition for immediate allowance for at least the reasons set forth above with respect to claim 16. Accordingly, Applicants respectfully request that the rejection of claims 17-19 and 26-27 under 35 U.S.C. § 102(b) based on JING be reconsidered and withdrawn.

Applicants have amended independent claim 28 to substantially incorporate features similar to features recited in claim 13 (now canceled). The Examiner indicated that claim 13 would be allowable if rewritten in independent form including all the features of the base claim (Office Action, p. 8). Therefore, Applicants submit that claim 28 is in condition for immediate allowance. Accordingly, Applicants respectfully request that the rejection of claim 28 under 35 U.S.C. § 102(b) based on JING be reconsidered and withdrawn.

Applicants have amended independent claim 29 to substantially incorporate the features recited in claim 36 (now canceled). The Examiner indicated that claim 36 would be allowable if rewritten in independent form including all the features of the base claim (Office Action, p. 8). Therefore, Applicants submit that claim 29 is in condition for immediate allowance. Accordingly, Applicants respectfully request that the rejection of claim 29 under 35 U.S.C. § 102(b) based on JING be reconsidered and withdrawn.

Claims 30-31, 35, and 42-43 depend from claim 29. Therefore, Applicants submit that these claims are in condition for immediate allowance for at least the reasons set forth above with respect to claim 29. Accordingly, Applicants respectfully request that

the rejection of claims 30-31, 35, and 42-43 under 35 U.S.C. § 102(b) based on JING be reconsidered and withdrawn.

Rejection under 35 U.S.C. § 103(a) based on JING

Claims 5 and 33 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over JING. Applicants respectfully traverse this rejection.

Claim 5 depends from claim 1. Therefore, Applicants submit that claim 5 is in condition for immediate allowance for at least the reasons set forth above with respect to claim 1. Accordingly, Applicants respectfully request that the rejection of claim 5 under 35 U.S.C. § 103(a) based on JING be reconsidered and withdrawn.

Claim 33 depends from claim 29. Therefore, Applicants submit that claim 33 is in condition for immediate allowance for at least the reasons set forth above with respect to claim 29. Accordingly, Applicants respectfully request that the rejection of claim 33 under 35 U.S.C. § 103(a) based on JING be reconsidered and withdrawn.

Claim Objections

Pending claims 4, 6, 8-12, 21-25, 32, 34, and 37-41 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims.

Claims 4, 6, and 8-12 depend from claim 1. Therefore, Applicants submit that these claims are in condition for immediate allowance for at least the reasons set forth above with respect to claim 1.

Claims 21-25 depend from claim 16. Therefore, Applicants submit that these claims are in condition for immediate allowance for at least the reasons set forth above with respect to claim 16.

Claims 32, 34, and 37-41 depend from claim 29. Therefore, Applicants submit that these claims are in condition for immediate allowance for at least the reasons set forth above with respect to claim 29.

New Claims

New claims 44 and 45 depend from claim 28. Therefore, Applicants submit that claims 44 and 45 are in condition for immediate allowance for at least the reasons set forth above with respect to claim 28.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of the application and the timely allowance of the pending claims.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise which could be eliminated through discussions with Applicants' representative, then the Examiner is invited to contact the undersigned by telephone in order to expedite prosecution of this application.

As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the

Office Action or certain requirements that may be applicable to such assertions (e.g., whether a reference constitutes prior art, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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